

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

In the matter of the restraint of:

**\$588,453.25 in United States Currency in
Bank of America Account Number x8909
in the Name of “James Dunbar”,**

**\$859,049.90 in United States Currency in
JP Morgan Chase Account Number
x8305 in the Name of “Vines Investments
Inc.”,**

**\$251,758.06 in United States Currency in
Bank of America Account Number x7317
in the Name of “Shelby R Carter Sole
Prop”,**

**\$265,000.00 in United States Currency in
Central Trust Bank Account Number
x6587 in the Name of “James Dunbar”,
and**

**\$44,810.33 in United States Currency in
First Republic Bank Account Number
x2996 in the name of “Ashton B Vines”.**

_____8:19CV164_____

**TEMPORARY RESTRAINING ORDER AND
ORDER TO PRESERVE, MAINTAIN, AND
SECURE THE DEFENDANT PROPERTY**

This matter is before the Court on the United States of America’s Application for a temporary restraining order pursuant to 18 U.S.C. § 983(j)(3) and Rule 65 of the Federal Rules of Civil Procedure, which provide courts with jurisdiction to enter restraining orders and take such other action in connection with any property or other interest subject to forfeiture to ensure its availability for forfeiture; and

IT APPEARING TO THE COURT THAT:

The affidavit of FBI SA Jacob Foiles, filed *ex parte* and under seal due to the ongoing criminal investigation, establishes probable cause that:

1. the property with respect to which the order is sought is subject to civil forfeiture;

2. that providing notice will jeopardize the availability of the property for forfeiture;
3. there is a substantial probability that the United States will prevail on the issue of forfeiture with respect to the funds in the Target Accounts as proceeds of wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349 and thus subjecting the funds to civil forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C)(as proceeds);
4. failure to enter this pre-complaint restraining order will result in the removal of the property from the jurisdiction or otherwise make such funds unavailable for forfeiture; and
5. the need to preserve the availability of the property through entry of this order outweighs the hardship on any person against whom the order is to be entered.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED,
PURSUANT TO 18 U.S.C. § 983(j)(3), THAT:

1. All financial institutions holding any of the funds in the accounts fully listed with all numbers of the accounts on Attachment 1 (the Properties) are ENJOINED AND RESTRAINED from transferring (by wire or other means), conveying, diminishing, or disposing of the Properties, funds and monies held in the accounts described in Attachment 1. Such financial institutions shall continue to receive and credit monies to the identified accounts and such funds shall be subject to this Order and restrained pursuant to its terms;
2. All persons including James Dunbar, Shelby R. Carter, Vines Investments, Inc. and Ashton B. Vines, and their agents, servants, employees, attorneys, family members and those persons in active concert or participation with them, are hereby ENJOINED AND RESTRAINED from withdrawing, distributing, giving away, encumbering or

- otherwise removing from the jurisdiction of this Court, or from any checking or savings account, any interest in funds or monies obtained or received, directly or indirectly (from another account listed above) from the victim company, namely, Malnove Holding Company, Inc. (Malnove), without prior approval of the Court upon notice to the United States and an opportunity for the United States to be heard.
3. The terms of this Order shall remain in full force and effect for a period not to exceed **14 days** from the date of entry of this Order, unless this Court extends the term of this Order for good cause shown or by agreement of the interested persons or entities.
 4. Should the United States file a civil forfeiture complaint against any of the properties prior to the expiration of this Order, this Restraining Order shall continue in full effect as to those Properties until further order of the Court.

Dated this 16th day of April, 2019.

s/ Joseph F. Bataillon
Senior United States District Judge

Attachment 1

The Properties, namely funds and accounts (the “Target Accounts”), subject to this Court’s Restraining Order are fully identified as follows:

- a. \$588,453.25 USD in Bank of America Account Number **354012418909** in the Name of “James Dunbar;”
- b. \$859,049.90 USD in JP Morgan Chase Account Number **350818305** in the Name of “Vines Investments Inc.,”
- c. \$251,758.06 USD in Bank of America Account Number **325113527317** in the Name of “Shelby R Carter Sole Prop;”
- d. \$265,000.00 USD in Central Trust Bank Account Number **122676587** in the Name of “James Dunbar;” and
- e. \$44,810.33 USD in First Republic Bank Account Number **80007492996** in the name of “Ashton B Vines.”